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| APPLICATION NO.         | FILING DATE | FIRST NAMED INVENTOR      | ATTORNEY DOCKET NO. | CONFIRMATION NO.   |
|-------------------------|-------------|---------------------------|---------------------|--------------------|
| 10/751,827              | 01/05/2004  | George Raymond Decell JR. | 143-001             | 5441               |
| 26542                   | 7590        | 09/18/2006                |                     | EXAMINER           |
| JAMES MARC LEAS         |             |                           |                     | HOGE, GARY CHAPMAN |
| 37 BUTLER DRIVE         |             |                           |                     |                    |
| S. BURLINGTON, VT 05403 |             |                           | ART UNIT            | PAPER NUMBER       |
|                         |             |                           | 3611                |                    |

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                          |                         |
|------------------------------|--------------------------|-------------------------|
| <b>Office Action Summary</b> | Application No.          | Applicant(s)            |
|                              | 10/751,827               | DECCELL, GEORGE RAYMOND |
|                              | Examiner<br>Gary C. Hoge | Art Unit<br>3611        |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 19 October 2005.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.  
 4a) Of the above claim(s) 9-19 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-8 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Newly submitted claims 9-19 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: These claims are now drawn to a method of doing business, classified in class 705, subclass 14. The originally claimed display unit can be used with a different method, namely, one in which maintaining the business cards is done without charge.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 9-19 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1-3 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palka (5,092,062) in view of *DISPLAYS2GO*.

Palka discloses a display unit comprising a transparent mounting plate 12, and a plurality of business card holders 17, wherein horizontally adjacent business card holders 17 are spaced from each other. Palka further discloses providing a cardboard panel behind the transparent mounting plate (column 6, lines 28-32). However, it is not known whether the panel includes a

graphic. *DISPLAYS2GO* teaches that it was known in the art to display an advertising graphic behind a transparent business card holder. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the transparent business card display unit disclosed by Palka with an advertising graphic mounted therebehind, as taught by *DISPLAYS2GO*, in order to convey additional information to the public.

Regarding claims 2 and 3, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the horizontal spacing between the business card holders range from  $\frac{1}{2}$  inch to 2 inches (claim 2) and the vertical spacing between the business card holders range from  $\frac{3}{4}$  inch to 1  $\frac{1}{2}$  inch (claim 3), because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Regarding claim 7, see column 6, lines 19-22, of Palka.

Regarding claim 8, see column 6, lines 22-32, of Palka. The horizontal supporting surface constitutes a stand.

3. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palka (5,092,062) in view of *DISPLAYS2GO* as applied to claim 1 above, and further in view of Golovan (5,351,813).

Regarding claim 4, Palka discloses the invention substantially as claimed, as set forth above. However, the pockets are formed by punching tabs out of the transparent mounting plate. Golovan teaches that it was known in the art to provide such pockets by heat bonding a transparent pocket to a transparent mounting plate. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the pockets disclosed by

Palka by heat bonding a transparent pocket directly to the transparent mounting plate, as taught by Golovan, in order to avoid perforating, and thereby weakening, the transparent mounting plate.

Regarding claim 5, Palka discloses the invention substantially as claimed, as set forth above. However, the pockets are formed by punching tabs out of the transparent mounting plate. Golovan teaches that it was known in the art to provide such pockets by adhesively attaching a transparent pocket to a transparent mounting plate. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the pockets disclosed by Palka by adhesively attaching a transparent pocket directly to the transparent mounting plate, as taught by Golovan, in order to avoid perforating, and thereby weakening, the transparent mounting plate.

*Response to Arguments*

4. Applicant's arguments filed October 19, 2005 have been fully considered but they are not persuasive.

Applicant states: "Palka covers his entire plate with closely spaced card holders . . . DISPLAYS2GO provides only a single card holder at the bottom of a sign holder that provides ample space above the card holder for an advertising graphic. . . . Neither Palka nor DISPLAYS2GO teaches or suggests 'horizontally adjacent business card holders are spaced from each other with sufficient spacing so that said graphic can be seen in said spacing,' as provided in claim 1."

However, looking at Fig. 2 of Palka, there is plenty of room for a “graphic” to be seen between the cards, especially because a “graphic,” as broadly recited, can be something as simple as a monochromatic sheet or a geometric pattern. It need not contain pictures or text.

*Conclusion*

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Hoge whose telephone number is (571) 272-6645. The examiner can normally be reached on 5-4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gary D. Hoge  
Primary Examiner  
Art Unit 3611

gch